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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,928	01/13/2000	Arnold N. Blinn	MSFT-107 / 127334.7	7695

7590

05/27/2003

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EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/482,928

Applicant(s)  
Blinn et al.

Examiner  
Cuong H. Nguyen

Art Unit  
3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 19, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 106-157 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 130-133 is/are allowed.
- 6) ☒ Claim(s) 106, 107, 111, 112, 134, and 135 is/are rejected.
- 7) ☒ Claim(s) 108-110, 113-129, and 136-157 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3, 5 20) ☐ Other:

## DETAILED ACTION

1. This Office Action is the answer to the communication received on 8/19/2002 (the Supp. IDS).

2. Claims 106-157 are pending in this application.

### Priority

3. This application has a priority date of 3/27/1999 (from a provisional application).

### Drawings

4. This application has been filed with formal drawings which currently are acceptable for examining purposes.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112 (claims 106, & 121):

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**5. Claim 106-107, 111-112, 134-135 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicants regard as their invention.**

A. Re. To claim 106: This claim is unclear for a limitation of: "...deriving a first key from a source available to the device;" in line 3, page 3 (of claim 106). The problem is : "from a source available to the device" is broad that it would be anything "available" to said device.

B. Re. To claim 107: This claim lacks an antecedent basis for a limitation of:

"...applying a key available to the device;" in line 3, page 3 (of claim 107); it was abstract since this sentence doesn't specify what kind of key this is.

C. Re. To claim 111: This claim is unclear for a limitation of: ".....the second encrypted key is the basis for the first digital signature" in lines 1-2, page 4 (of claim 111). It is vague about the meanings of "the basis" in this claim because "the basis for the first digital signature" is not defined.

D. Re. To claim 112: This claim is unclear for a designation of "(PU-L)" because said same designation was used for both a public key, and the content of the certificate.

E. Re. To claim 134: This claim is unclear and vague for a limitation of: "...deriving a first key from a source available to the device;" in line 7, page 12 (of claim 134); the problem is : "a source available to the device" is abstract for this claim. A limitation of "deriving a second key based on the first digital signature" is unclear by using the broad terms of "based on"; hence said limitation needs further elaboration for clarification.

F. Re. To claim 135: This claim is unclear and vague for a limitation of: "...a key available to the device;" in line 2, page 13 (of claim 135); it was undefined what kind of key this is. This claim also has a typo error in "133" (it should be 134) in line 1, page 12 (of claim 135) .

6. Since independent claims 106, 134 are rejected on 35 USC 112, 2<sup>nd</sup> para., dependent claims 108-110, 114-129, and 136-157 are objected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 106, 134 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cuccia et al., (US Pat. 6,151,676).**

A. Re. to claim 106: **Cuccia et al.**, suggest a method for a device to validate:

- a digital content package having a piece of digital content in an encrypted form (see Fig.1 (ref. 18) the summary of **Cuccia's** invention, 2:56-61, 3:33-41); and
- a corresponding digital license for rendering the digital content (see the summary of **Cuccia's** invention 1:42 to 2:21), comprising:
  - deriving a first key from a source available to the device (see **Cuccia et al.**, claim 1);
  - obtaining a digital signature from the digital content package (see **Cuccia et al.**, claims 1-2);
  - applying the first key to the digital signature to validate the digital signature and the digital content package (see **Cuccia et al.**, 1:42-55, 5:3-20);
  - deriving a second key based on the first digital signature (see **Cuccia et al.**, claims 1-2);
  - obtaining a second digital signature from the license (see **Cuccia et al.**, claims 1-2); and

- applying the second key to the second digital signature to validate the second digital signature & the license (see **Cuccia et al.**, 1:42-55, 3:28-4:2, 5:3-20, claims 1 & 9).

Cuccia et al. do not expressly disclose claimed limitations; however, the examiner submits that Cuccia et al. disclose analogous claimed features as shown above.

It would have been obvious to one of ordinary skill in the art at the time of invention for implementing **Cuccia et al.** invention to derive a method for validating a digital content package as claimed because a designer can reasonably modify an order of validating steps upon reviewing Cuccia et al.'s patent for equivalent results.

B. Re. to claim 134: Claim 134 is directed to a computer-executable medium containing instructions for performing a method of claim 106 is claimed. It contains similar features as in claim **106** although a computer-readable medium is claimed; therefore, similar rationales and references set forth are applied as in claim 106 for rejection under 35 U.S.C. § 103(a).

#### **Allowable subject matter**

8. Independent claim **130** is patentable distinct over closest cited documents of Cuccia et al., because said prior art does not disclose a method for a device to interdependently validate a piece of digital content and a corresponding digital license for rendering the digital content, the digital content being encrypted, the encrypted digital content being decryptable according to a decryption key (KD) and being packaged in a digital content package, the digital content package being provided by a content provider having a public key (PU-C) and a private key (PR-C),

the digital license being provided by a license provider having a public key (PU-L) and a private key (PR-L), the device having a public key (PU-D) and a private key (PR-D), the digital content package comprising: the encrypted digital content; and the content provider public key (PU-C) encrypted with the decryption key (KD) and signed by the content provider private key (PR-C) (i.e., (KD (PU-C) S (PR-C)));

the digital license comprising: the decryption key (KD) encrypted with the device public key (PU-D) (i.e., (PU-D (KD))); a digital signature from the license provider (without any attached certificate) based on (KD (DR-L)) and (PU-D (KD)) and encrypted with the license provider private key (i.e., (S (PR-L))); and a certificate containing the license provider public key (PU-L) and signed by the content provider private key (PR-C) (i.e., (CERT (PU-L) S (PR-C)));

the method comprising:

obtaining (PU-D (KD)) from the license; applying (PR-D) to (PU-D (KD)) to produce (KD), obtaining (KD (PU-C) S (PR-C)) from the digital content package; applying (KD) to (KD (PU-C) S (PR-C)) to produce (PU-C);

applying (PU-C) to (S (PR-C)) to validate (KD (PU-C) S (PR-C)), thereby validating the digital content package; obtaining (CERT (PU-L) S (PR-C)) from the license; applying (PU-C) to (CERT (PU-L) S (PR-C)) to validate (CERT (PU-L) S (PR-C)), thereby validating the content provider, and also to obtain (PU-L);

obtaining (S (PR-L)) from the license; and applying (PU-L) to (S (PR-L)), thereby validating the license.

9. Claims **131-133** are allowed because they are dependent on their parent claim 130.

### ***Conclusion***

10. Claims **106-107**, **111-112**, **134-135** are not patentable. Claims **108-110**, **113-129**, **136-157** are objected on cited art, but they would be allowable if written in independent form including their independent claims' limitations and corrections of 35 USC 112, 2<sup>nd</sup> para.

11. These references are considered pertinent to applicants' disclosure:

- **Cuccia et al.**, US Pat. 6,151,676 disclose about administration and utilization of secret fresh random numbers in a networked environment, November 21, 2000
- **Yoshiura et al.**, US-PAT-NO: 6131162, disclose about a digital data authentication method, 10/10/2000.
- **Atalla**, US Pat. 5,960,086, discloses unified end-to-end security methods and systems for operating on insecure networks, September 28, 1999.
- **Hasebe et al.**, US Pat. 5,555,304 disclose a storage medium for preventing an illegal use by a third party, September 10, 1996.
- **Krishnan**, (US Pat.6073124 – 6/06/2000), Method and system for securely incorporating electronic information into an online purchasing application.
- **Stefik**, (US Pat. 5,715,403), discloses about a system for controlling the distribution and use of digital works having attached usage rights where the usage rights are defined by a usage rights grammar.
- **Stefik et al.**, (US Pat. 5,629,980), discloses about a system for controlling the distribution and use of digital works.





- **Van Wie** et al., (US Pat. 5,943,422), discloses about a steganographic techniques for securely delivering electronic digital rights management control information over insecure communication channels.
- **Ginter** et al., (US Pat. 5,982,891), discloses about a system and a method for secure transaction management and electronic rights protection.
- From findarticles.com, SSP solutions awarded key technology patent, uniquely secures biometric identification against falsification, Business Wire, 9/18/2001.
- From findarticles.com, HDCP: what it is and how to use it; whether or not you believe in content protection, if you design digital-video products, you must deal with the technology..., EDN, 4/18/2002.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:00 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be reached on (703)308-1344.

Any response to this action should be mailed to:

Amendments

***Commissioner of Patents and Trademarks  
Washington D.C. 20231***

or faxed to:

(703)305-7687 [Official communications; including  
After Final communications labeled  
"Box AF"]

703-746-5572 (RightFax) Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the Receptionist whose telephone number is  
(703)308-1113.

*Cuong Nguyen*  
Primary Examiner

**Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.